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Canada and the WIPO

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SERIES No. 12

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Canada and the World Intellectual Property Organization

*Prepared by the
Bureau of Intellectual Property
of the Department of
Consumer and Corporate Affairs,
Ottawa.*

Produced by
External Information Programs Division,
Department of External Affairs,
Ottawa, Ontario, Canada
K1A 0G2

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Services Canada 1979

Cat. No. E52-8/12

ISBN 0-662-10714-4

Campbell Printing

Contract No. 08KT. 08008-79-010

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The World Intellectual Property Organization (WIPO) is one of 18 Specialized Agencies linked with the United Nations through special agreements with the Economic and Social Council.

History and purpose

WIPO was established by a convention signed at Stockholm on July 14, 1967, which entered into force on April 26, 1970. It is the successor to the *Bureaux internationaux réunis pour la protection de la propriété intellectuelle*, which came into being with the union, in 1893, under one administration, of the separate secretariats of the Paris Union for the Protection of Industrial Property (1883) and the Berne Union for the Protection of Literary and Artistic Works (1886). Today WIPO is responsible for administering, in addition to the Paris and Berne Unions, the Madrid Union for the International Registration of Marks, the Hague Union for the International Deposit of Industrial Designs, the Locarno Union for the International Classification of Industrial Designs, the Nice Union for the International Classification of Goods and Services for the Purpose of the Negotiation of Marks and the Lisbon Union for the Protection of Appellations of Origin and their International Registration.

The objectives of WIPO are:

- (1) To promote the protection of intellectual property (patents, utility models, inventions, certificates, trade-marks, appellations of origin, industrial designs, copyright and neighbouring rights) throughout the world through co-operation among states and in collaboration with other international organizations. It accomplishes this by encouraging international treaties, by providing legal-technical assistance, by gathering and disseminating information and by maintaining services for international registration.
- (2) To ensure administrative co-operation among the international unions, treaties and agreements concerning intellectual property by centralizing their administration in the International Bureau (Secretariat of WIPO) in Geneva.

Structure and membership

Representatives of the 77 member states of WIPO meet in conference every three years to discuss the organization's technical and legal assistance program and questions of general interest. At the same time, representatives of members both of WIPO and of the Paris Union (83 members) or of the Berne Union (70

members) meet as the General Assembly, the supreme body of the organization, which is responsible for approving WIPO's program of activities.

The Co-ordinating Committee of WIPO is composed of the Executive Committees of the Berne and Paris Unions. The Co-ordinating Committee, which meets annually, supervises the work of the unions administered by WIPO.

The International Bureau, which is located in Geneva, has a staff of about 174, under the direction of a Director-General.

Budget and finances

WIPO operates on a three-year financial period. The triennial program and budget are approved by the General Assembly. Annual budgets are appropriated by the Co-ordinating Committee within the limits of the triennial program and budget for each year of the financial period. The total budget for 1978 was 25,511,000 Swiss francs.

The principal financial resources of WIPO are contributions from member states in support of particular unions and the fees collected by the international registration services. Canada contributes to WIPO in support of the Paris and Berne Unions, the Patent Co-operation Treaty and the Paris Union Commit-

tee for International Co-operation in Information Retrieval among Patent Offices. In 1978, Canada's contribution was 531,071 SF, or 2.08 per cent of the total.

Major programs

WIPO is responsible for co-ordinating the revision of treaties, in particular the Paris convention, the revision of the classification system, the preparation for entry into force of new treaties and the preparation for possible new international instruments and services. The International Bureau acts as a central source of information and a depository for treaties related to intellectual property and provides international registration services.

Assistance is provided to developing countries through the permanent programs for development co-operation related to industrial property and to copyright and neighbouring rights. Technical co-operation on patents is also provided. The International Patent-Documentation Centre, which is operated by the Austrian Government, offers a bibliographical-information service relating to most of the world's patents.

Canadian participation

Canada is a member of WIPO and of the Berne and Paris Unions. The Bureau of Intellectual Property of the Department of Consumer and Corporate Affairs normally represents Canada at WIPO meetings.

Objects of Canadian membership

Membership in WIPO, which gives Canada a voice in the creation, amendment and administration of international treaties and conventions in the field of intellectual property, has the following objects;

- (i) to enable Canadian citizens to establish intellectual-property rights in other countries and secure the right to take legal action to protect their property from unauthorized use;
- (ii) to secure the right to represent Canada in international negotiations with the aim of achieving compatibility between the terms of intellectual-property conventions and Canada's economic, social and cultural goals.

Programs of interest

- (1) *Paris Convention (of 1883) for the Protection of Industrial Property (Patents, Utility Models, Inventors' Certificates, Trade-marks, Appellations of Origin, Industrial Designs)*

Each of the 83 members of the Paris

convention has its own laws governing the granting of exclusive rights in industrial property. Under the convention, each member agrees to provide foreigners essentially the same rights as its own citizens to obtain protection for patentable inventions, trade-marks and industrial designs, and to establish protection against unfair competition. The aim of the convention is to encourage industrialization, investment and trade through international co-operation in the field of industrial property.

(2) Patent Co-operation Treaty

This instrument, effective in 1978, is intended to reduce duplication of effort in national patent offices, to facilitate and reduce the costs of obtaining patent protection in several countries simultaneously, and to provide earlier public access to the technical information in new inventions.

(3) International Co-operation in Information Retrieval Among Patent Offices

Most national patent offices will grant a patent only if a search of the patent literature shows that an allegedly new invention has not already been patented anywhere in the world. The great number of patents issued and the broad range and complexity of the technical subject-matter of inventions present formidable problems of storage and retrieval of patent documents for this purpose.

ICIREPAT is a program of international co-operation aimed at standardizing national patent-information and -retrieval systems and patent documentation to promote efficiency in patent searching and the international exchange of patent documents.


(4) *The Berne Convention (of 1886)
for the Protection of Literary and
Artistic Property (Copyright)*

Copyright protection is based on national law and is only effective in the country concerned. It is only through international treaties that protection in foreign countries is guaranteed. It is a principle of the Berne convention that each of the 70 member countries will grant to the citizens of the others the same protection for copyright works as it grants to its own citizens, and that this protection applies automatically as soon as the work is completed. The primary function of Canadian copyright law is to serve as an incentive to the domestic generation and dissemination of all forms of knowledge and information, but the policies underlying the law also take account of the importance to Canada of maintaining low-cost access to foreign information. Canada's interest in the Berne convention is inspired by the practical need to reconcile these conflicting concerns and by the threat to effective national and

international enforcement of copyright posed by the proliferation of cheap copying and recording devices and the use of satellites that make possible the instant world-wide communication and broadcasting of copyright works.

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WIPO is a microcosm of the world community. Its 77 members come from all types of nations — old and new, developed and developing. The ubiquity of intellectual property in the affairs of all nations ensures that it cannot escape the stresses and strains of the modern world. The current climate of urgently-needed change and the relevance of intellectual property to Canada's economic, social and cultural well-being demand its participation in the affairs of WIPO.



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